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Attorneys for WELLS FARGO BANK, N.A.
(successor by merger to Defendant WACHOVIA
BANK, N.A.) and Defendant METROPOLITAN
WEST SECURITIES LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

STATE COMPENSATION INSURANCE
FUND,

Plaintiff,

vs.

METROPOLITAN WEST SECURITIES
LLC; WACHOVIA BANK, N.A.; DOES
1 through 10, inclusive; and DOES 11
through 20, inclusive,

Defendants.

CASE NO. CV 09-02959 JSW (EDL)

**STIPULATION AND ~~PROPOSED~~ ORDER
MODIFYING BRIEFING SCHEDULE ON
SUMMARY JUDGMENT MOTIONS IN
LIGHT OF AGREEMENT RE ADR
PROCEDURE**

1 WHEREAS on February 24, 2012, the parties filed cross-motions for summary judgment,
2 which motions originally were scheduled to be heard on March 30, 2012;

3 WHEREAS on March 5, 2012, the parties submitted a stipulation to slightly modify the
4 briefing schedule on the cross-motions, such that opposition papers would be due by March 12,
5 2012 and reply papers would be due by March 21, 2012;

6 WHEREAS on March 6, 2012, the parties attended a mediation before Mr. Antonio
7 Piazza;

8 WHEREAS while the parties were mediating, the Court entered an order approving the
9 parties' previously submitted stipulation regarding the briefing on the cross-motions, and at the
10 same time, *sua sponte* continuing the hearing on the cross-motions to May 25, 2012 and vacating
11 all other pretrial and trial dates;

12 WHEREAS as a result of the mediation, the parties have agreed in principle to resolve
13 their disputes through a binding alternative dispute resolution ("ADR") procedure, subject to
14 Defendants providing final assent to such agreement by no later than Friday, March 9, 2012;

15 WHEREAS in light of the parties' agreement to an ADR procedure (subject to final assent
16 by Defendants by March 9, 2012), in light of the continued need for that final assent, and in light
17 of the lengthy continuance of the hearing on the cross-motions, the parties mutually desire to
18 conserve their resources by refraining from preparing their papers in opposition to the cross-
19 motions for submission by March 12, 2012;

20 WHEREAS while such final assent is pursued, the parties mutually desire to extend the
21 previously stipulated deadlines to submit their opposition and reply papers;

22 NOW THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES
23 HERETO AND THEIR COUNSEL OF RECORD THAT (1) the parties' respective papers in

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1 opposition to the cross-motions for summary judgment shall be filed no later than March 26,
2 2012; and (2) the parties' reply papers in support of the cross-motions for summary judgment
3 shall be filed no later than April 4, 2012.

4
5 Date: March 7, 2012

MUNGER, TOLLES & OLSON LLP

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7 By: /s/ James C. Rutten

James C. Rutten

8 Attorneys for Defendants WELLS FARGO
9 BANK, N.A. (successor by merger to
10 WACHOVIA BANK, N.A.) and
11 METROPOLITAN WEST SECURITIES LLC

12 Date: March 7, 2012

BARGER & WOLEN LLP

13
14 By: /s/ Travis R. Wall


Travis R. Wall

15 Attorneys for Plaintiff STATE
16 COMPENSATION INSURANCE FUND

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20 PURSUANT TO STIPULATION, IT IS SO ORDERED:

21 DATED: March 7, 2012

22 
23 The Honorable Jeffrey S. White
24 United States District Court Judge
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